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DRAFT ORDINANCE

ONTWERPORDONNANSIE

The following Draft Ordinance is published for general information.

Die volgende Ontwerpordonnansie word vir algemene inligting gepubliseer.

J. F. GREEBE
Secretary for South West Africa

J. F. GREEBE
Sekretaris van Suidwes-Afrika

Administration of South West Africa
Windhoek.

Administrasie van Suidwes-Afrika
Windhoek.

GENERAL EXPLANATORY NOTE:

- _____ Words underlined with solid line indicate insertions proposed.
- | | Words in square brackets indicate omissions proposed.

DRAFT ORDINANCE

To amend the Municipal Ordinance, 1963, in regard to the termination of employees' services; and to provide for incidental matters.

BE IT ORDAINED by the Legislative Assembly for the Territory of South West Africa, as follows:-

Amendment of section 148 of Ordinance 13 of 1963, as amended by section 3 of Ordinance 5 of 1964, section 3 of Ordinance 17 of 1970, section 1 of Ordinance 7 of 1971, sections 1 and 5 of Ordinance 15 of 1972, section 1 of Ordinance 8 of 1976 and section 1 of Ordinance 11 of 1977.

1. (1) Section 148 of the Municipal Ordinance, 1963 (hereinafter referred to as the principal Ordinance), is hereby amended -

- (a) by the substitution for subsection (3) of the following subsection:

“(3) Subject to the provisions of this section and of the staff regulations of the council and the rules of, or any regulations made in terms of subsection (4) of section *two hundred and thirty-nine* relating to, any pension or provident fund governing the terms of employment in the municipality concerned, the council may |, with the prior approval of the Executive Committee and of any other authority in accordance with the provisions of any other law governing the appointment of employees,] terminate the services of the town clerk and any employee in receipt of remuneration equal to or higher than the remuneration of any head of a department with the same council or reduce their emoluments, and the Management Committee may terminate the services of any other employee of the council: Provided that where a subcommittee, town clerk or head of a department has, in terms of paragraph (b) of subsection (1) been delegated the power to make an appointment, the power to terminate [such appointment] the services of the relevant employees shall vest in such subcommittee, town clerk or head of a department.”;

ALGEMENE VERDUIDELIKENDE NOTA:

- _____ Woorde met 'n volstreep daaronder dui aan in-voegings voorgestel.
- [] Woorde tussen vierkantige hake dui aan skappings voorgestel.

ONTWERPORDONNANSIE

Tot wysiging van die Munisipale Ordonnansie 1963, betreffende die beëindiging van die dienste van werknemers; en om voorsiening te maak vir bykomstige aangeleenthede.

Die Wetgewende Vergadering van die Gebied Suidwes-Afrika VERORDEN SOOS VOLG:-

1. (1) Artikel 148 van die Munisipale Ordonnansie 1963 (hieronder die Hoofordonnansie genoem), word hierby gewysig -

- (a) deur subartikel (3) deur die volgende subartikel te vervang:

“(3) Behoudens die bepalings van hierdie artikel en van die raad se personeelregulasies en die reëls van, of enige regulasies gemaak ingevolge subartikel (4) van artikel *tweehonderd negen-en-dertig* betreffende, enige pensioen- of voorsorgsfonds wat die diensvoorwaardes in die betrokke munisipaliteit beheer, kan die raad [, met die voorafgaande goedkeuring van die Uitvoerende Komitee en van enige ander owerheid ooreenkomstig die bepalings van enige ander wet wat die aanstelling van werknemers beheer] die dienste van die stadsklerk en enige werknemer wat in ontvangs is van besoldiging gelyk aan of hoër as die besoldiging van enige hoof van 'n departement by dieselfde raad beëindig, of hul besoldiging verminder en kan die bestuurskomitee die dienste van enige ander werknemer van die raad beëindig: Met dien verstande dat waar die bevoegdheid om 'n aanstelling te doen ingevolge paragraaf (b) van subartikel (1) aan 'n subkomitee, stadsklerk of hoof van 'n departement oorgedra is, die bevoegdheid om [sodanige aanstelling] die dienste van die betrokke werknemers te beëindig, by sodanige subkomitee, stadsklerk of hoof van 'n departement berus.”;

Wysiging van artikel 148 van Ordonnansie 13 van 1963, soos gewysig deur artikel 3 van Ordonnansie 5 van 1964, artikel 3 van Ordonnansie 17 van 1970, artikel 1 van Ordonnansie 7 van 1971, artikels 1 en 5 van Ordonnansie 15 van 1972, artikel 1 van Ordonnansie 8 van 1976 en artikel 1 van Ordonnansie 11 van 1977.

- (b) by the deletion of subsection (4); and
- (c) by the substitution for subsection (5) of the following subsection:

“ |(5) Any employee appointed by the Management Committee shall have a right of appeal to the council against dismissal by such Committee, and any employee appointed by a subcommittee or person to whom the power to make such appointment had been delegated, shall have the right to appeal to the Management Committee against dismissal by such subcommittee or person: Provided that such appeal shall be made in writing within seven days of such dismissal. |

(5) Any employee whose services have been terminated in terms of subsection (3), shall have a right of appeal against the termination of his services –

- (a) to the Executive Committee where his services have been so terminated by the council;
- (b) to the council where his services have been so terminated by the Management Committee;
- (c) to the Management Committee where his services have been so terminated by a subcommittee referred to in the said subsection or by the town clerk or the head of a department:

Provided that such appeal shall be made in writing within seven days of such termination of services.”.

(2) Subsection (1) shall be deemed to have come into operation on 1 July 1978.

2. This Ordinance shall be called the Municipal Amendment Ordinance, 1979.

- (b) deur subartikel (4) te skrap; en
- (c) deur subartikel (5) deur die volgende subartikel te vervang:

“ [(5) Elke werknemer wat deur die bestuurskomitee aangestel is, het die reg van appèl by die raad teen afdanking deur sodanige komitee, en elke werknemer aangestel deur 'n subkomitee of persoon aan wie die bevoegdheid om sodanige aanstelling te doen, oorgedra is, het die reg van appèl by die bestuurskomitee teen afdanking deur sodanige subkomitee of persoon: Met dien verstande dat sodanige appèl skriftelik binne sewe dae na sodanige afdanking moet geskied.]

(5) 'n Werknemer wie se dienste ingevolge subartikel (3) beëindig is, het die reg van appèl teen die beëindiging van sy dienste –

- (a) by die Uitvoerende Komitee waar sy dienste deur die raad aldus beëindig is;
- (b) by die raad waar sy dienste deur die bestuurskomitee aldus beëindig is;
- (c) by die bestuurskomitee waar sy dienste deur 'n subkomitee bedoel in genoemde subartikel of deur die stadsklerk of die hoof van 'n departement aldus beëindig is:

Met dien verstande dat sodanige appèl skriftelik binne sewe dae na sodanige diensbeëindiging moet geskied.”.

(2) Subartikel (1) word geag op 1 Julie 1978 in werking te getree het.

2. Hierdie Ordonnansie heet die Munisipale Wysigings-
ordonnansie, 1979.

Kort titel.